

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

KEYYONNA PENISTER

PLAINTIFF

v.

No. 5:13-cv-387-DPM

**CITY OF PINE BLUFF, ARKANSAS; DEBE
HOLLINGSWORTH, Individually and in Her
Official Capacity; JEFF HUBANKS, Chief of Police,
Individually and in His Official Capacity; MICHAEL
SWEENEY, Police Officer, Individually and in His
Official Capacity; and CHRIS POWELL, Individually**

DEFENDANTS

PROTECTIVE ORDER

The parties agree and the Court orders as follows:

1. Confidential Information obtained from the City of Pine Bluff by Penister shall be used only for the purpose of this litigation, and shall not be given, shown, made available, or communicated to anyone except Qualified Persons.

2. Confidential Information includes, without limitation:

(a) Documents containing confidential personal information, such as social security numbers, contact information, medical information, or dates of birth.

(b) Any information produced by a party and declared by the party at

the time of production to be Confidential Information. Materials designated as confidential that do not fall into one of the specific categories named in Section 2(a) should be stamped confidential, or if Bates numbers are used, materials may be designated as confidential by Bates number in a letter. A party may oppose a confidentiality designation in writing within 10 days of the designation, at which time the parties shall engage in a good faith effort to resolve the issue. If that effort fails, the parties shall file a joint report pursuant to the Court's Final Scheduling Order.

3. Except with the prior written consent of the City, or by order of this Court, no Confidential Information may be disclosed to any person other than Qualified Persons.

4. Qualified Persons include Penister, any current or future counsel of record for Penister in this action, secretaries, para-professional assistants, experts, and other employees of counsel who are actively engaged in assisting counsel with this action, court personnel, witnesses at trial or deposition, and the jury.

5. Upon delivery of Confidential Information to Penister's counsel, the City (or City's counsel) shall execute and submit to Penister and her counsel

the attached form (Exhibit 1) titled Inventory of Confidential Documents Provided. Documents containing Confidential Information shall be stamped or otherwise marked as confidential.


6. This Order shall continue to be binding through and after the conclusion of this litigation, including all appeals. One year after the conclusion of this litigation, this Court shall lose jurisdiction to enforce this Order and it shall survive thereafter only as a contract between the parties. No later than three years after the conclusion of this litigation, Penister and Penister's counsel shall destroy all Confidential Information, including correspondence, memoranda, notes, or any other documents embodying such information, in whole or in part. All Qualified Persons are barred from disclosing in any manner any Confidential Information obtained during the course of this proceeding.

7. Nothing in this Order shall prevent any party from seeking modification of this Order at any time as to specific matters designated Confidential Information.

8. Documents that are entirely confidential may be required to be filed with the Court under seal. But to the greatest extent possible, pursuant to

Federal Rule of Civil Procedure 5.2, documents containing Confidential Information shall be filed in a redacted form, so that those portions of the document containing Confidential Information will not be visible to the public. Only the Court, Court personnel, and counsel for the parties shall have access to the sealed record in this proceeding unless otherwise ordered by this Court.

So Ordered.


D.P. Marshall Jr.
United States District Judge

23 June 2015

APPROVED AS TO FORM:

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EXHIBIT 1

INVENTORY OF CONFIDENTIAL DOCUMENTS PROVIDED

I hereby submit the following documents, document pages, and/or depositions which are subject to the Protective Order for the protection of documents in Keyyonna Penister v. City of Pine Bluff, Arkansas, Jeff Hubanks and Michael Sweeney, each in their individual and official capacities, and Chris Powell, Individually, filed in the United States District Court for the Eastern District of Arkansas, Pine Bluff Division, No. 5:13-cv-287-DPM.

DATED: _____ SIGNATURE: _____